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Notes from the Director

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Secrecy and the Press

On 16 October, I addressed the National Press Club here in Washington. In my remarks, I discussed the similarity between the problem which the media professions face today in protecting their sources of information and our problem of protecting our sources of intelligence. Recently, *New York Times* reporter Myron Farber refused to disclose his sources for a series of newspaper articles when they were demanded as vital to the defense in a murder trial. As a consequence, Mr. Farber went to jail for 40 days and the *New York Times* was fined. Clearly, it was not an easy decision by either Mr. Farber or the *New York Times* to withhold information that a defendant felt might prove his innocence. Yet they did so on the larger principle of their interpretation of the rights of the press under the Constitution.

In my talk I pointed out that while our problems of protecting sources are analogous, the CIA's obligation is rather more clear cut. I am required by specific provision of law (the National Security Act of 1947) to protect our sources and methods of collecting intelligence from unauthorized disclosure, whereas the right of the press to do so depends on an interpretation of a constitutional amendment which has been questioned of late by the Supreme Court. Nonetheless, it is always a difficult decision for either of us to determine what disclosures would truly jeopardize our sources. In our case, we do not determine whether such jeopardy would outweigh the benefits to our country of prosecuting an offender in the courts. We simply make known what we expect the damage of revealing classified information would be.

In sum, both we and the press are regularly confronted with the need to balance the long-term impact of disclosing sensitive information on our ability to continue our respective contributions to society versus the benefit to society of prosecuting alleged offenses against the law.

Secrecy and Academia

There has been considerable discussion of the guidelines Harvard University issued some time ago addressing the relationship between the Intelligence Community and Harvard University. We worked closely with Harvard when these guidelines were being drawn up and agree with and endorse most of the provisions. However, we have taken exception to those provisions which unfairly single out the Intelligence Community for unique treatment or which prejudice the rights of individual Harvard faculty members to associate with us or anyone else of their choice. I have pointed out in public remarks and in replies to letters and editorials that any set of university guidelines or regulations ultimately apply only to that

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university and are not laws which apply to any other organization. Even if it were feasible for us or other government agencies to attempt to comply with the individual regulations of each university in the country, which it is not, it is unreasonable to expect such compliance.

At the same time, I stress that we do, in fact, sincerely try to comply with university regulations insofar as we possibly can. Whenever we work with an academic who prefers to contravene his university's regulations, such a decision is carefully thought through, and conforms to our own internal regulations which require that decision to be approved at a high level. Further, we will not undertake activities with respect to the US academic community which we believe would be inimical to the best interests of that community. Our relations with the American academic community are very important to us and in most respects, today, they are warm and constructive.

Secrecy and the Courts

To bring you up-to-date on the prosecution of individuals who violated their Secrecy Agreement or released secrets without proper authorization, the present status is:

—Former employee Frank Snepp has been convicted by the District Court of Alexandria of violating the contract of his Secrecy Agreement. His appeal of this finding is being heard by the Fourth Circuit Court of Appeals in Richmond, Virginia and began on Wednesday, 15 November 1978.

—Former employee William Kampiles was accused of committing espionage by delivering a classified document to agents of the Soviet Union. He is presently on trial in Hammond, Indiana.

Secrecy and Basic Policy

I would like to reemphasize that we are pursuing simultaneously two courses toward improved security. One is to be more open with the product of intelligence—the estimates, analyses and studies—when they can be properly declassified. The other course is to tighten dissemination control of information which cannot or should not be declassified. The declassification policy helps us to reduce the total number of classified documents in an orderly and authorized way, leaving us with fewer genuinely sensitive documents to protect. It ensures that we are not attempting to protect unclassified materials when we do not need to. The policy of enhanced emphasis on security regulations and procedures is very important at this time.

I am grateful for the indications which I see around Headquarters of your improved awareness of the importance of following sound security procedures. In particular, I appreciate your cooperation in the inspections of briefcases and packages being taken out of our buildings. This program is going well and making an important contribution to our total security.

STANSFIELD TURNER
Director

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